

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:22-cv-01912-JAD-BNW

Encompass Health Rehabilitation Hospital of
Desert Canyon, LLC, et al.,

Plaintiffs

v.

Xavier Becerra, Secretary of the United States
Department of Health and Human Services,

Defendant

**Order Granting Joint Motion to Exceed
Page Limits**

[ECF No. 29]

Plaintiffs, three Encompass Health Rehabilitation Hospitals located in Southern Nevada, sue the Department of Health and Human Services concerning 257 separate decisions of the Medicare Appeals Council denying coverage for various inpatient-rehabilitation-services claims that Encompass had appealed.¹ The parties move to exceed the page limits on their summary-judgment briefs, arguing that they'll need 315 pages for the principal briefs and 125 pages for reply briefs.

Local Rule 7-3(c) permits briefs that exceed the 30-page summary-judgment page limit "only upon a showing of good cause."² The parties have met that standard here. Resolution of these motions will involve considering whether each Medicare Appeals Council decision "is supported by substantial evidence and complies with the applicable law."³ The parties represent

¹ ECF No. 29 at 2; ECF No. 13 (first-amended complaint). This case initially sought judicial review of 224 Medicare decisions. It was consolidated with a later-filed case challenging 31 additional decisions. See ECF No. 14 in *Encompass Health Rehab. Ctr. of Desert Canyon, LLC, et al. v. Becerra*, Case No. 2:23-cv-1523-JAD-BNW.

² L.R. 7-2(c).


³ ECF No. 29 at 2 (citing *Int'l Rehab. Sciences, Inc. v. Sebelius*, 688 F.3d 994, 1000 (9th Cir. 2012)).

1 that the proposed enlargement “will allow the parties to devote approximately one page of
 2 analysis to each Council decision and discuss factual, legal, and procedural matters relevant to
 3 the case as a whole.”⁴ They also cite the 631,000-page administrative record as a reason to allow
 4 enlarged briefing on this issue. The breadth of information and analysis that must be covered by
 5 the briefing provides good cause for a substantial page-limit increase, so I grant the parties’ joint
 6 motion.

7 I also take this opportunity to remind the parties of the briefing schedule that Magistrate
 8 Judge Weksler set for the summary-judgment motions. Encompass’s summary-judgment motion
 9 is due October 17, 2024, the government’s opposition and cross-motion is due March 17, 2025,
 10 Encompass’s reply is due June 17, 2025, and the government’s sur-reply is due September 17,
 11 2025.⁵ The parties are **not to file** those briefs on the docket right away—instead, they must serve
 12 their motions on opposing counsel on the above dates and simply file a notice of service with the
 13 court on each date. **The parties will then file all of the motions and related briefing on**
 14 **September 22, 2025.**⁶

15 Conclusion

16 IT IS THEREFORE ORDERED that the joint motion to exceed page limits [ECF No.
 17 29] is **GRANTED**. **The parties’ principal briefs may not exceed 315 pages, and the reply**
 18 **briefs may not exceed 125 pages.**

19 
 20 U.S. District Judge Jennifer A. Dorsey
 21 June 17, 2024

22 ⁴ *Id.*

23 ⁵ ECF No. 31.

⁶ *Id.*